PATENT APPLICATION

ATTORNEY DOCKET NO. **10013500-1**

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joubert Berger et al.

Application No.: 10/013,043

Filing Date: October 30, 2001

Confirmation No.: 7770

Examiner: Q. Nahar

Group Art Unit: 2191

Title: SYSTEM AND METHOD FOR INSTALLING APPLICATIONS IN A TRUSTED ENVIRONMENT

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on February 7, 2007 .

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) 00.00

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120   ☐ 2nd Month $450   ☐ 3rd Month $1020   ☐ 4th Month $1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Joubert Berger et al.

By: _[signature]_

/Jody C. Bishop/

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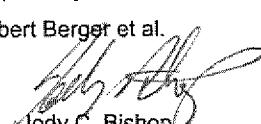
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Fort Collins, Colorado 80527-2400

Docket No.: 10013500-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Joubert Berger et al.

Application No.: 10/013,043   Confirmation No.: 7770

Filed: October 30, 2001   Art Unit: 2191

For: SYSTEM AND METHOD FOR INSTALLING   Examiner: Q. Nahar
      APPLICATIONS IN A TRUSTED
      ENVIRONMENT

STATEMENT CONCERNING FEES

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant paid a fee of $500.00 on September 28, 2005 for a previous Appeal Brief.
Accordingly, Applicant believes no further fee is due with this Third Appeal Brief.

However, if an additional fee is due, please charge deposit account 08-2025.

Respectfully submitted,

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is e-filed on the date shown below.
Dated: April 5, 2007
Signature: *Donna Forbit*
Donna Forbit

By _____
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Docket No.: 10013500-1
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Joubert Berger et al.

Application No.: 10/013,043

Confirmation No.: 7770

Filed: October 30, 2001

Art Unit: 2191

For: SYSTEM AND METHOD FOR INSTALLING
APPLICATIONS IN A TRUSTED
ENVIRONMENT

Examiner: Q. Nahar

THIRD APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under 37 C.F.R. § 41.37(a), this Third Appeal Brief is being submitted in furtherance of the Notice of Appeal filed February 7, 2007. Appellant paid a fee of $500.00 on July 28, 2005 for previous a Appeal Brief. Accordingly, Appellant believes no further fee is due with this filing. This Third Appeal Brief contains items under the following headings, as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.02:

I.   REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Development Company, L.P., a Limited Partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249, Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II.   RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III.   STATUS OF CLAIMS

A.   Total Number of Claims in Application

There are 25 claims pending in this application.

B.   Current Status of Claims

1.   Claims canceled: None

2.   Claims withdrawn from consideration but not canceled: None

3.   Claims pending: 1-25

4.   Claims allowed: None

5.   Claims rejected: 1-25

C.   Claims On Appeal

The claims on appeal are claims 1-25

IV.   STATUS OF AMENDMENTS

A Final Office Action rejecting the claims of the present application was mailed June 13, 2005. Instead of filing an Amendment After Final Rejection, Appellant filed a first Notice of Appeal on August 1, 2005 supported by a first Appeal Brief on October 3, 2005. Following a notice of non-compliance, an Amended Appeal Brief was then submitted January 17, 2006.

In response to the Amended Appeal Brief, Appellee did not submit an Answer, but instead mailed an Office Action on April 4, 2006 that reopened prosecution, withdrew the previous rejections, and raised new grounds of rejection for the claims. Appellant reinstated the appeal by filing a second Notice of Appeal dated July 5, 2006, followed by a second Appeal Brief on September 5, 2006.

In response to the second Appeal Brief, Appellee mailed another Office Action on November 30, 2006 that reopened prosecution, withdrew the previous rejections, and raised new grounds of rejection for the claims. Appellant again reinstated the appeal by filing a third Notice of Appeal dated February 7, 2007, which this Third Appeal Brief supports.

In sum, this is the third appeal taken in this case. Neither the first nor the second appeals reached the Board. The claims on appeal are the same as those as rejected in the Final Office Action of June 13, 2005, in the Office Action of April 4, 2006, and again in the Office Action of November 30, 2006 (hereinafter "*Office Action*"). A complete listing of the claims is provided in the Claims Appendix hereto.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the separately argued claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. It should be noted that the citation to passages in the specification and drawings for each claim element does not imply that the elements from the specification and drawings should be read into the corresponding claim element.

One claimed embodiment, such as that of independent claim 1, is directed toward a method for installing an application (120) in a trusted operating system (100) comprising enabling selection of an application (120) from one or more applications (120), enabling dragging of a graphical representation of the selected application (120) towards a graphical representation of a compartment (140, 141, 142, 143, 144, 145, 146, 147) of the trusted operating system (100), enabling dropping of the graphical representation of the application (120) on the graphical representation of the compartment (140, 141, 142, 143, 144, 145, 146, 147) and automatically installing the selected application (120) in the selected compartment (140, 141, 142, 143, 144, 145, 146, 147) in response to the dropping of the graphical representation of the selected application (120). (at least at page 3, lines 19-32; page 5, lines 20-32; page 6, lines 12-22; page 7, lines 1-31; page 8, lines 1-20; page 9, lines 1-8 and 22-31; page 10, lines 1-23; and figures 1, 2A-2D and 3).

In certain embodiments, such as that of dependent claim 2, the method further comprises automatically determining one or more supporting resources associated with the selected application. The method further comprises   automatically retrieving the supporting resources, and   automatically installing the supporting resources within the selected compartment (*see* page 10, lines 8-23).

Another claimed embodiment, such as that of independent claim 12, is directed toward a method for installing an application (120) in a compartment-based trusted operating system (100)

comprising displaying a graphical representation of a plurality of compartments (140, 141, 142, 143, 144, 145, 146, 147) of the trusted operating system (100), enabling dragging of a graphical representation of the application (120) towards a graphical representation of a compartment (140, 141, 142, 143, 144, 145, 146, 147) of the plurality of compartments(140, 141, 142, 143, 144, 145, 146, 147), enabling dropping of the graphical representation of the application (120) on the graphical representation of the compartment (140, 141, 142, 143, 144, 145, 146, 147) and automatically installing the application (120) in the selected compartment (140, 141, 142, 143, 144, 145, 146, 147) in response to the dropping of the graphical representation of the compartment (140, 141, 142, 143, 144, 145, 146, 147). (at least at page 3, lines 19-32; page 5, lines 20-32; page 6, lines 12-22; page 7, lines 1-31; page 8, lines 1-20; page 9, lines 1-8 and 22-31; page 10, lines 1-23; and figures 1, 2A-2D and 3).

In certain embodiments, such as that of dependent claim 13, the method further comprises automatically determining one or more supporting resources associated with the application. The method further comprises automatically retrieving the supporting resources, and automatically installing the supporting resources within the selected compartment (*see* page 10, lines 8-23).

Another claimed embodiment, such as that of independent claim 17, is directed toward a graphical software installation tool (102) for installing an application (120) in a trusted operating system (100) comprising a graphical user interface (110) comprising a display portion (116) displaying at least one compartment (140, 141, 142, 143, 144, 145, 146, 147) of the trusted operating system (100) and an application portion (114) comprising a graphical representation of at least one application (120), the graphical representation of the at least one application (120) operable to be dragged from the application portion (114) to the display portion (116), wherein dropping of the graphical representation of the at least one application (120) on a graphical representation of the at least one compartment (140, 141, 142, 143, 144, 145, 146, 147) causes automatic installation of the application (120) in the compartment (140, 141, 142, 143, 144, 145, 146, 147). (at least at page 3, lines 19-32; page 5, lines 20-32; page 6, lines 12-22; page 7, lines

1-31; page 8, lines 1-20; page 9, lines 1-8 and 22-31; page 10, lines 1-23; and figures 1, 2A-2D and 3).

In certain embodiments, such as that of dependent claim 18, the graphical software installation tool further comprises means (e.g., software code of graphical software installation tool 102 of FIGURE 2A) for automatically determining one or more supporting resources associated with the at least one application. The graphical software installation tool further comprises means (e.g., software code of graphical software installation tool 102 of FIGURE 2A) for automatically retrieving the supporting resources, and means (e.g., software code of graphical software installation tool 102 of FIGURE 2A) for automatically installing the supporting resources within the at least one compartment (*see* page 10, lines 8-23).

Another claimed embodiment, such as that of independent claim 22, is directed toward a method for installing an application (120) in a trusted operating system (100) comprising enabling selection of an application (120) from one or more applications (120), enabling association of the selected application (120) with a compartment (140, 141, 142, 143, 144, 145, 146, 147) of the trusted operating system (100) and automatically installing the selected application (120) in the selected compartment (140, 141, 142, 143, 144, 145, 146, 147) in response to the association of the selected application (120) with the selected compartment (140, 141, 142, 143, 144, 145, 146, 147). (at least at page 3, lines 19-32; page 5, lines 20-32; page 6, lines 12-22; page 7, lines 1-31; page 8, lines 1-20; page 9, lines 1-8 and 22-31; page 10, lines 1-23; and figures 1, 2A-2D and 3).

In certain embodiments, such as that of dependent claim 23, enabling association of the selected application comprises enabling dragging of a graphical representation of the selected application towards a graphical representation of the selected compartment; and enabling dropping of the graphical representation of the selected application on the graphical representation of the selected compartment (*see* at least at page 3, lines 19-32; page 5, lines 20-32; page 6, lines 12-22; page 7, lines 1-31; page 8, lines 1-20; page 9, lines 1-8 and 22-31; page 10, lines 1-23; and figures 1, 2A-2D and 3).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   Claims 1-3, 6-7, 9-19, and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,687,745 to Franco (hereinafter "*Franco*") in view of U.S. Patent No. 6,289,462 to McNabb et al. (hereinafter "*McNabb*").

B.   Claims 4-5, 20, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Franco* in view of *McNabb* and further in view of U.S. Patent No. 6,550,061 to Bearden et al. (hereinafter "*Bearden*").

C.   Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Franco* in view of *McNabb* and further in view of U.S. Patent No. 6,795,963 to Anderson et al. (hereinafter "*Anderson*").

Appellant notes that these grounds of rejection are similar to those raised in the Office Action of April 4, 2006, with *McNabb* replacing U.S. Patent No. 5,850,511 to Stoecker et al.

VII.   ARGUMENT

Appellant respectfully traverses the outstanding rejections of the pending claims, and requests that the Board overturn the outstanding rejections in light of the remarks contained herein. The claims do not stand or fall together. In fact, Appellant presents separate arguments for various independent and dependent claims. Each of these arguments is presented with separate headings and sub-headings, as required by 37 C.F.R. § 41.37(c)(1)(vii).

A.   Rejections Under 35 U.S.C. § 103(a) over *Franco* in view of *McNabb*

Claims 1-3, 6-7, 9-19, and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Franco* in view of *McNabb*. *Office Action* at p. 2. Appellant respectfully traverses these rejections for the reasons stated below.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. *See* M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references' teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the reference (or references when combined) must teach or suggest all the claim limitations. *Id.* Without conceding any other criteria, Appellant respectfully asserts that the combination of *Franco* and *McNabb* fails to teach or suggest all of the claim elements, and Appellee has failed to establish sufficient motivation for proposed combination

1.   Insufficient Motivation

The rejection of claims 1-3, 6-7, 9-19, and 21-24 should be overturned because there is insufficient motivation to combine the system for delivering a graphical user interface described in *Franco* with the compartmentalized operational system of *McNabb*. In support for the proposed combination, Appellee states that "one of ordinary skill in the art would be motivated to provide the level of assurance needed to support critical network and transaction servers (McNabb, column 17, lines 49-52)." *Office Action* at p. 3. However, *Franco* is not at all

concerned with supporting "critical network and transaction servers." In fact, *Franco* only discusses the delivery of a graphical user interface of a remote application over a limited bandwidth. *E.g., Franco* at item (54).

Appellee's statement only amounts to an assertion that a result (*i.e.*, a presumably improved "level of assurance") may be achieved from the combination, without identifying any teaching or suggestion that would lead a person of ordinary skill in the art to make the combination. In other words, the recited motivation is circular in nature, stating that it is obvious to include a trusted operating system in a system for delivering a graphical user interface so as to obtain the benefits of including a trusted operating system. This is merely a statement that the references *can be* combined and provides no motivation for making the combination. The mere fact that references *can be* combined does not render the resultant combination obvious unless the applied art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2143.01.

Appellant further asserts that the motivation put forth by Appellee appears to be gained solely from impermissible hindsight, using the teachings of Appellant's disclosure to combine bits and pieces of disparate technologies that attempt to address very distinct objectives. *See* M.P.E.P. § 2145(X)(A). For instance, whereas *Franco* is concerned with delivering a graphical user interface over a narrow bandwidth connection, *McNabb* deals with controlling access to the execution of processes in a computer. *Compare Franco* at Abstract *with McNabb* at Abstract. No proper motivation has been identified in the references themselves or in the knowledge of those of ordinary skill in the art to combine these two references.

Furthermore, Appellee has not provided any indication of how the proposed combination would be made, and Appellant asserts that these references cannot be combined in any meaningful way. Appellee seems to suggest that the "compartments" of *McNabb* can be installed onto *Franco*'s client computer, content provider, and/or application server. *Office Action* at p. 3. In response, Appellant asserts that such a combination would require a substantial

reconstruction and redesign of the elements shown in *Franco*. *See In re Ratti*, 270 F.2d 810, 843, 123 U.S.P.Q. 349, 352 (C.C.P.A. 1959).

Therefore, the combination of *Franco* with *McNabb* is improper. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claims 1-3, 6-7, 9-19, and 21-24 for at least the above reasons.

> 2.   Lack of All Claim Elements
>
> a.   Independent Claim 1 and Dependent Claims 3, 6-7, and 9-11

Independent claim 1 recites:

[a] method for installing an application in a trusted operating system, comprising:
    enabling selection of an application from one or more applications;
    enabling dragging of a graphical representation of said selected
application towards a graphical representation of a compartment of said trusted
operating system;
    enabling dropping of said graphical representation of said application on
said graphical representation of said compartment; and
    automatically installing said selected application in said selected
compartment in response to said dropping of said graphical representation of said
selected application.

As discussed in more detail below, the combination of *Franco* and *McNabb*, even if proper, fails to teach or suggest all of the above elements of claim 1. For instance, the applied combination fails to teach or suggest a graphical representation of a compartment of such a trusted operating system. In addition, while *Franco* discloses dragging and dropping of applications onto a recipient computer, neither *Franco* nor *McNabb* teaches or suggests dragging and dropping an application on a graphical representation of a compartment, and automatically installing the application in the selected compartment in response to such dropping.

Franco discloses a system for storing an interactive link (*e.g.*, a hyperlink) on a client computer to a remote resource. *Franco* at Abstract; col. 5, lns. 10-17. *Franco* also discloses that the link to the remote resource may comprise a graphical element or representation displayed on a desktop, so that a user may select the element to initiate communications with the remote

resource. *Id.* at col. 20, lns. 1-15. However, *Franco* does not teach or suggest "a graphical representation of a compartment of a trusted operating system," as recited by claim 1. In fact, Appellee admits that *Franco* fails to teach or suggest a compartment of a trusted operating system. *Office Action* at p. 3. Therefore, Appellant concludes that *Franco* is relied upon for the mere teaching of an ability to drag and drop a graphical representation of an interactive link.

Meanwhile, *McNabb* discloses a trusted compartmentalized computer operating system. *McNabb* at item (54). However, *McNabb* provides no teaching or suggestion of a graphical representation of an operating system's compartments. Further still, *McNabb* provides no teaching or suggestion of enabling an application to be dragged and dropped onto a graphical representation of a compartment, and in response thereto automatically install the application in the compartment.

Therefore, neither *Franco* nor *McNabb*, taken alone or in combination, teach or suggest a graphical representation of a compartment of a trusted operating system. Further, neither of the applied references teaches or suggests dragging and dropping of a graphical representation of an application on a graphical representation of a compartment and automatically installing the application in the compartment in response to such dropping. Neither *Franco* nor *McNabb* provide any teaching or suggestion of installing an application into a compartment of a trusted operating system, and certainly fail to teach or suggest installation via a drag and drop technique such as that recited by claim 1.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or suggest every element recited in claim 1. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 1.

Dependent claims 3, 6-7, and 9-11 depend either directly or indirectly from claim 1, thus inheriting all of the elements of independent claim 1. Dependent claims 3, 6-7, and 9-11 are allowable over the applied combination of *Franco* and *McNabb* at least for the reasons discussed above with claim 1. Therefore, Appellant respectfully requests that the Board overturn the rejection of claims 3, 6-7, and 9-11.

b.   Dependent Claim 2

Dependent claim 2 depends from independent claim 1, and thus includes all of the elements of claim 1 in addition to its own supplied elements. It is respectfully submitted that dependent claim 2 is allowable at least because of its dependence from claim 1 for the reasons discussed above. Moreover, dependent claim 2 recites additional elements not taught or suggested by the applied art. For example, claim 2 recites:

automatically determining one or more supporting resources associated with said selected application;
       automatically retrieving said supporting resources; and
       automatically installing said supporting resources within said selected compartment.

The combination of *Franco* and *McNabb* fails to teach or suggest these further elements of claim 2. Neither *Franco* nor *McNabb* teaches or suggests automatically installing supporting resources associated with a selected application within a selected compartment.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or suggest every element recited in claim 2. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 2.

c.   Independent Claim 12 and Dependent Claims 14-16

Independent claim 12 recites:

[a] method for installing an application in a compartment-based trusted operating system, comprising:
       displaying a graphical representation of a plurality of compartments of said trusted operating system;
       enabling dragging of a graphical representation of said application towards a graphical representation of a compartment of said plurality of compartments;
       enabling dropping of said graphical representation of said application on said graphical representation of said compartment; and
       automatically installing said application in said selected compartment in response to said dropping of said graphical representation of said compartment.

The combination of *Franco* and *McNabb* fails to teach or suggest all of the above elements of claim 12. For instance, as discussed above with claim 1, the applied combination fails to teach or suggest a graphical representation of a plurality compartments of a trusted operating system. Further, while *Franco* appears to mention dragging and dropping of applications onto a recipient computer (e.g., onto the recipient computer's desktop), neither *Franco* nor *McNabb* teaches or suggests dragging and dropping an application on a graphical representation of a compartment and automatically installing the application in the selected compartment in response to such dropping, as discussed above with claim 1.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or suggest every element recited in claim 12. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 12.

Dependent claims 14-16 depend either directly or indirectly from claim 12, thus inheriting all of the elements of independent claim 12. Dependent claims 14-16 are allowable over the applied combination of *Franco* and *McNabb* at least for the reasons discussed above with claim 12. Therefore, Appellant respectfully requests that the Board overturn the rejection of claims 14-16.

d.   Dependent Claim 13

Dependent claim 13 depends from independent claim 12, and thus includes all of the elements of claim 12 in addition to its own supplied elements. It is respectfully submitted that dependent claim 13 is allowable at least because of its dependence from claim 12 for the reasons discussed above. Moreover, dependent claim 13 recites additional elements not taught or suggested by the applied art. For example, claim 13 recites:

> automatically determining one or more supporting resources associated with said application;
>> automatically retrieving said supporting resources; and
>> automatically installing said supporting resources within said selected
> compartment.

The combination of *Franco* and *McNabb* fails to teach or suggest these further elements of claim 13. Neither Franco nor McNabb teaches or suggests automatically installing supporting resources associated with a selected application within a selected compartment.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or suggest every element recited in claim 13. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 13.

> e.   Independent Claim 17 and Dependent Claims 19 and 21

Independent claim 17 recites:

[a] graphical software installation tool for installing an application in a trusted operating system, comprising:
> a graphical user interface, comprising:
>> a display portion displaying at least one compartment of said
trusted operating system; and
>> an application portion comprising a graphical representation of at
least one application, said graphical representation of said at least one application operable to be dragged from said application portion to said display portion, wherein dropping of said graphical representation of said at least one application on a graphical representation of said at least one compartment causes automatic installation of said application in said compartment.

The combination of *Franco* and *McNabb* fails to teach or suggest all of the above elements of claim 17. For instance, neither *Franco* nor *McNabb* is concerned with installing an application in a compartment of a trusted operating system, and neither reference provides any teaching or suggestion of a graphical installation tool for so installing an application. Further, as discussed above with claim 1, the applied combination fails to teach or suggest a graphical user interface comprising a display portion displaying at least one compartment of a trusted operating system. Further still, while *Franco* appears to mention dragging and dropping of applications onto a recipient computer (e.g., onto the recipient computer's desktop), neither *Franco* nor *McNabb* teaches or suggests dragging and dropping of a graphical representation of an application on a graphical representation of a compartment to cause automatic installation of the application in the compartment, as discussed above with claim 1.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or suggest every element recited in claim 17. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 17.

Dependent claims 19 and 21 depend either directly or indirectly from claim 17, thus inheriting all of the elements of independent claim 17. Dependent claims 19 and 21 are allowable over the applied combination of *Franco* and *McNabb* at least for the reasons discussed above with claim 1. Therefore, Appellant respectfully requests that the Board overturn the rejection of claims 19 and 21.

f.   Dependent Claim 18

Dependent claim 18 depends from independent claim 17, and thus includes all of the elements of claim 17 in addition to its own supplied elements. It is respectfully submitted that dependent claim 18 is allowable at least because of its dependence from claim 17 for the reasons discussed above. Moreover, dependent claim 18 recites additional elements not taught or suggested by the applied art. For example, claim 18 recites:

> means for automatically determining one or more supporting resources associated with said at least one application;
>> means for automatically retrieving said supporting resources; and
>> means for automatically installing said supporting resources within said at
> least one compartment.

The combination of *Franco* and *McNabb* fails to teach or suggest these further elements of claim 18. Neither Franco nor McNabb teaches or suggests means for automatically installing supporting resources associated with a selected application within a selected compartment.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or suggest every element recited in claim 18. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 18.

g.   Independent Claim 22 and Dependent Claim 24

Independent claim 22 recites:

[a] method for installing an application in a trusted operating system, comprising:
         enabling selection of an application from one or more applications;
         enabling association of said selected application with a compartment of
the trusted operating system; and
         automatically installing said selected application in said selected
compartment in response to said association of said selected application with said
selected compartment.

The combination of *Franco* and *McNabb* fails to teach or suggest all of the above elements of

claim 22. For instance, neither *Franco* nor *McNabb* is concerned with installing an application

in a compartment of a trusted operating system, and neither reference provides any teaching or

suggestion of a method for such installation. Further, the combination fails to teach or suggest

enabling association of a selected application with a compartment of a trusted operating system.

Further still, the combination fails to teach or suggest automatically installing the selected

application in the selected compartment in response to the association of the selected application

with the selected compartment. Again, as discussed in greater detail above with claim 1, neither

Franco nor *McNabb* teaches or suggests automatically installing an application in a selected

compartment of a trusted operating system.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or

suggest every element recited in claim 22. Accordingly, Appellant respectfully requests that the

Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 22.

Dependent claim 24 depend either directly or indirectly from claim 22, thus inheriting all

of the elements of independent claim 22. Dependent claim 24 are allowable over the applied

combination of *Franco* and *McNabb* at least for the reasons discussed above with claim 1.

Therefore, Appellant respectfully requests that the Board overturn the rejection of claim 24.

h.   Dependent Claim 23

Dependent claim 23 depends from independent claim 22, and thus includes all of the elements of claim 22 in addition to its own supplied elements. It is respectfully submitted that dependent claim 23 is allowable at least because of its dependence from claim 22 for the reasons discussed above. Moreover, dependent claim 23 recites additional elements not taught or suggested by the applied art. For example, claim 23 recites:

> wherein said enabling association of said selected application comprises:
> enabling dragging of a graphical representation of said selected
> application towards a graphical representation of said selected compartment; and
> enabling dropping of said graphical representation of said selected
> application on said graphical representation of said selected compartment.

The combination of *Franco* and *McNabb* fails to teach or suggest these further elements of claim 23. Neither *Franco* nor *McNabb* teaches or suggests a graphical representation of a compartment, nor do they teach or suggest enabling dropping of a graphical representation of an application on a graphical representation of the compartment.

Therefore, the combination of *Franco* with *McNabb*, even if proper, does not teach or suggest every element recited in claim 23. Accordingly, Appellant respectfully requests that the Board overturn the 35 U.S.C. § 103(a) rejection of record with respect to claim 23.

B. Rejections Under 35 U.S.C. § 103(a) over *Franco* in view of *McNabb* and *Bearden*

Claims 4-5, 20, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Franco* in view of *McNabb* and further in view of *Bearden*. *Office Action* at p. 7. Appellant respectfully traverses these rejections for the reasons stated below.

Dependent Claims 4-5

Dependent claims 4-5 depend directly or indirectly from independent claim 1, and thus include all of the elements of claim 1 in addition to their own supplied elements. Appellee does not rely upon *Bearden* as teaching or suggesting the above-identified deficiencies of claim 1, nor

does it do so. Thus, dependent claims 4-5 are allowable at least because of their dependence from claim 1 for the reasons discussed above.

Dependent Claim 20

Dependent claim 20 depends from independent claim 17, and thus includes all of the elements of claim 17 in addition to its own supplied elements. Appellee does not rely upon *Bearden* as teaching or suggesting the above-identified deficiencies of claim 17, nor does it do so. Thus, dependent claim 20 is allowable at least because of its dependence from claim 17 for the reasons discussed above.

Dependent Claim 25

Dependent claim 25 depends from independent claim 22, and thus includes all of the elements of claim 22 in addition to its own supplied elements. Appellee does not rely upon *Bearden* as teaching or suggesting the above-identified deficiencies of claim 22, nor does it do so. Thus, dependent claim 25 is allowable at least because of its dependence from claim 22 for the reasons discussed above.

C. Rejection Under 35 U.S.C. § 103(a) over *Franco* in view of *McNabb* and *Anderson*

Dependent Claim 8

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Franco* in view of *McNabb* and further in view of *Anderson*. *Office Action* at p. 9. Appellant respectfully traverses these rejections for the reasons stated below.

Dependent claim 8 depends from independent claim 1, and thus includes all of the elements of claim 1 in addition to its own supplied elements. Appellee does not rely upon *Anderson* as teaching or suggesting the above-identified deficiencies of claim 1, nor does it do so. Thus, dependent claim 8 is allowable at least because of its dependence from claim 1 for the reasons discussed above.

Conclusion

In view of the above, Appellant requests that the Board overturn the outstanding rejections of claims 1-25. Appellant believes no fees are due with this Appeal Brief. Please see attached Statement Concerning Fees.

Respectfully submitted,

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is e-filed on the date shown below.

Dated: April 5, 2007

Signature: _Donna Forbit_
Donna Forbit
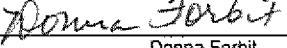
By _____
Jody C. Bishop
Registration No.: 44,034
Attorney for Appellant
Date: April 5, 2007
Telephone No. (214) 855-8007

VIII. CLAIMS APPENDIX

1.   A method for installing an application in a trusted operating system, comprising:

enabling selection of an application from one or more applications;

enabling dragging of a graphical representation of said selected application towards a graphical representation of a compartment of said trusted operating system;

enabling dropping of said graphical representation of said application on said graphical representation of said compartment; and

automatically installing said selected application in said selected compartment in response to said dropping of said graphical representation of said selected application.

2.   The method of claim 1, further comprising:

automatically determining one or more supporting resources associated with said selected application;

automatically retrieving said supporting resources; and

automatically installing said supporting resources within said selected compartment.

3.   The method of claim 1, further comprising:

automatically determining access controls for one or more files associated with said selected application; and

automatically setting said determined access controls for said one or more files.

4.   The method of claim 3, further comprising displaying said access controls along with the files with which said access controls are associated.

5.   The method of claim 3, further comprising modifying said access controls in response to a user input.

6.   The method of claim 2, wherein said automatically determining one or more supporting resources comprises automatically selecting one or more library files.

7.   The method of claim 2, wherein said automatically determining one or more supporting resources comprises automatically selecting one or more configuration files.

8.   The method of claim 2, wherein said automatically determining one or more supporting resources comprises querying an executable file of said selected application to automatically determine said one or more supporting resources associated with said application.

9.   The method of claim 3, wherein said automatically determining access controls comprises automatically determining access controls for at least one of said files based at least in part on the type of the file.

10.   The method of claim 3, wherein said automatically determining access controls comprises automatically determining access controls for at least one of said files based at least in part on the location of the file.

11.   The method of claim 1, wherein said enabling dropping of said graphical representation of said application on said graphical representation of said compartment comprises enabling dropping of said graphical representation of said application in close proximity to said graphical representation of said compartment.

12.   A method for installing an application in a compartment-based trusted operating system, comprising:

   displaying a graphical representation of a plurality of compartments of said trusted operating system;

   enabling dragging of a graphical representation of said application towards a graphical representation of a compartment of said plurality of compartments;

   enabling dropping of said graphical representation of said application on said graphical representation of said compartment; and

   automatically installing said application in said selected compartment in response to said dropping of said graphical representation of said compartment.

13.   The method of claim 12, further comprising:

automatically determining one or more supporting resources associated with said application;

automatically retrieving said supporting resources; and

automatically installing said supporting resources within said selected compartment.

14.   The method of claim 12, further comprising:

automatically determining access controls for one or more files associated with said selected application; and

automatically setting said determined access controls for said one or more files.

15.   The method of claim 14, further comprising assigning a compartment label unique to said compartment to each of said supporting resources.

16.   The method of claim 12, wherein said enabling dropping of said graphical representation of said application on said graphical representation of said compartment comprises enabling dropping of said graphical representation of said application in close proximity to said graphical representation of said compartment.

17.   A graphical software installation tool for installing an application in a trusted operating system, comprising:

a graphical user interface, comprising:

a display portion displaying at least one compartment of said trusted operating system; and

an application portion comprising a graphical representation of at least one application, said graphical representation of said at least one application operable to be dragged from said application portion to said display portion, wherein dropping of said graphical representation of said at least one application on a graphical representation of said at least one compartment causes automatic installation of said application in said compartment.

18.   The graphical software installation tool of claim 17, further comprising:

means for automatically determining one or more supporting resources associated with said at least one application;

means for automatically retrieving said supporting resources; and

means for automatically installing said supporting resources within said at least one compartment.

19.   The graphical software installation tool of claim 17, further comprising:

means for automatically determining access controls for one or more files associated with said at least one application; and

means for automatically setting said determined access controls for said one or more files.

20.   The graphical software installation tool of claim 19, further comprising:

means for displaying said access controls along with the files with which said access controls are associated; and

means for modifying said access controls in response to a user input.

21.   The graphical software installation tool of claim 19, wherein said means for automatically determining access controls comprises:

means for automatically determining access controls for at least one of said files based at least in part on the type of the file; and

means for automatically determining access controls for at least another one of said files based at least in part on the location of the file.

22.   A method for installing an application in a trusted operating system, comprising:

enabling selection of an application from one or more applications;

enabling association of said selected application with a compartment of the trusted operating system; and

automatically installing said selected application in said selected compartment in response to said association of said selected application with said selected compartment.

23.   The method of claim 22, wherein said enabling association of said selected application comprises:

enabling dragging of a graphical representation of said selected application towards a graphical representation of said selected compartment; and

enabling dropping of said graphical representation of said selected application on said graphical representation of said selected compartment.

24.   The method of claim 23, wherein said enabling dropping of said graphical representation of said selected application on said graphical representation of said selected compartment comprises enabling dropping of said graphical representation of said selected application in close proximity to said graphical representation of said selected compartment.

25.   The method of claim 22, further comprising:

automatically determining access controls for one or more files associated with said selected application;

automatically setting said determined access controls for said one or more files;

displaying said access controls along with the files with which said access controls are associated; and

modifying said access controls in response to a user input.

IX.   EVIDENCE APPENDIX

No evidence pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or entered by or relied upon by Appellee is being submitted.

X.   RELATED PROCEEDINGS APPENDIX

No related proceedings or copies of decisions in related proceedings are being submitted